REMARKS

Applicants reply to the Office Action mailed December 23, 2004. By this Response, Applicants amend claims 1-2, 6, 9-10, 13 and 18-19 as set forth above. After the foregoing amendments, Claims 1-19 remain pending in this application. No new matter is added by this amendment. Applicants request reconsideration of pending claims 1-19 (19 total claims, 1 independent).

CLAIMS REJECTED UNDER 35 U.S.C. § 102

In the subject Office Action, claims 1-17, and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,357,042 B2 issued to Srinivasan ("Srinivasan"). Applicants respectfully traverse this rejection.

The Srinivasan reference discloses, at best, multiple separately authored data streams and metadata integrated or multiplexed into a single data stream. Integrated metadata is used to multiplex and coordinate multiple media inputs into a single combined stream. For example, integrated time stamps are used to coordinate advertising segments with video blanking intervals in a video stream. Indeed, the Srinivasan reference discloses three different time stamp, signature, or annotation methods and states that "[a]ll three methods share a common goal, which is to record in one of two data streams . . . a marker . . . for the two streams to be properly synchronized." (Srinivasan, col. 18, lines 42-47). The "signals may be combined via a signal combining module 135 before they are sent on as one stream." (Srinivasan, col. 21, lines 63-67). Alternatively, "the user's equipment captures, re-synchronizes and combines the [separate] streams to be displayed for viewing as one annotated video stream." (Srinivasan, col. 20, lines 50-53). Stream annotations allow an ad server to start and stop a video stream to insert advertising segments at appropriate times within the video stream. The Srinivasan disclosure is

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expressly clear that "[i]n all aspects of the present invention, a controlling entity, such as the ad server . . . manages ad placement in video data streams." (Srinivasan, col. 34, lines 24-26).

Limited user interaction in the invention of the Srinivasan reference is facilitated by a selectable moving region or overlay associated with a tracked image entity such as an object in the video stream, the overlay being incorporated by a tracking module into the synchronized video stream. (Srinivasan, col. 7, lines 16-40). Thus, any user interaction begins with additional data that has already been incorporated into the original media stream received by the user. Furthermore, the disclosure is clear that user interaction must be performed "with an [overlay] entity in video stream 137 as it is displayed," or in other words, any interactive data must be synchronously retrieved. (Srinivasan, col. 22, lines 1-4). This limited interactivity is only accomplished by "integration of the ads and annotation streams with [the] primary video stream." (Srinivasan, col. 34, lines 39-41).

In contrast, the Srinivasan reference does not disclose or suggest, as recited in amended claim 1:

> a marking system-including a marker, separate from said data stream, indicating a particular point in said data stream corresponding to additional data content; [and]

> a recall system, wherein said recall system allows a user to retrieve said additional data content separate from said data stream based on said marker.

Nor is there any suggestion, motivation or teaching of a marker separate from a data stream in the Srinivasan reference, either alone or in combination with any of the references cited. Therefore, Applicants respectfully request withdrawal of the rejection of Claim 1.

Similarly, the Srinivasan reference does not contain any teaching, motivation, or suggestion of a "marking system [that] stores said marker [separate from said data stream] to create a stored marker on said storage medium corresponding to said particular point for later

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recall" as recited in amended dependent Claim 2. Therefore, Applicants respectfully request withdrawal of the rejection of Claim 2.

Additionally, as Claims 3-17 and 19 variously depend from amended independent Claim 1 and amended dependent Claim 2, Applicants submit that these claims are similarly allowable and thus request withdrawal of the rejection of these claims as well.

CLAIMS REJECTED UNDER 35 U.S.C. § 103

Claim 18 stands rejected under 35 U.S.C. § 103 as being unpatentable over Srinivasan in view of U.S. Patent No. 5,625,845 issued to Allran et al. Applicants traverse this rejection. A UART or universal asynchronous receiver-transmitter, as disclosed in Column 17, lines 61-64 of the Allran reference, is a piece of computer hardware that translates between parallel bits of data and serial bits. "A UART is usually an integrated circuit used for serial communications over a computer or peripheral device serial port." (http://en.wikipedia.org/wiki/UART) In other words, the asynchronous data transmission of the Allran reference refers to the conversion of transmitted bits from sequential to parallel form at each end of a communication link and is completely unrelated to the receipt of additional data asynchronous from a point in a first data stream.

In contrast, amended claim 18 recites a "data mark and recall system in accordance with claim 1, wherein said additional content is retrieved asynchronously from said marking." In addition, Claim 18 depends from amended independent Claim 1 and is thus differentiated from the cited references for at least the same reasons set forth above concerning Claim 1. Applicants submit that Claim 18 is allowable and thus request withdrawal of the rejection of Claim 18.

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CONCLUSION

In view of the above remarks and amendments, Applicants submit that all of the currently pending Claims 1-19 properly set forth that which Applicants regard as their invention and are allowable over the cited prior art.

Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6337 at the Examiner's convenience, if that would help further prosecution of the subject Application. If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 19-2814 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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